

**REMARKS**

In light of the above amendments and remarks to follow, reconsideration and allowance of this application is respectfully requested.

Amended claims 2-6 are in this application.

Claims 2 and 3 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Wakui, U.S. Patent 5,648,816.

Independent claim 2, as amended herein, cites in part as follows:

“...control means for causing said first recording mode to be **automatically** set when the loading of said first recording medium is detected by said detection means.” (Underlining and bold added for emphasis)

In explaining the above 102 rejection, the Examiner stated that the control means is inherently taught. It is respectfully submitted that the above-recited feature is not inherently taught by Wakui.

That is, Wakui as applied by the Examiner does not appear to disclose “control means for causing said first recording mode to be set **automatically** when the loading of said first recording medium is detected by said detection means.” Rather it appears that the mode is **manually** set by a mode selection switch and may be actuated when the IC card memory is inserted. Accordingly, claim 2 is believed to be distinguishable from Wakui.

For reasons similar to those described above with regard to amended claim 2, claim 3 is believed to be distinguishable from Wakui.

Claims 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wakui in view of Honda, U.S. Pub. No. 2001/0014202.

For reasons similar to those described above with regard to claim 1, independent claims 4-6 are believed to be distinguishable from Wakui. The Examiner does not appear to


have relied upon Honda to overcome the above-described deficiencies of Wakui. Accordingly, claims 4-6 are believed to be distinguishable from the applied combination of Wakui and Honda.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejections of claims 2-6 and the allowance of this application with claims 2-6 are respectfully requested.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

  
\_\_\_\_\_  
Dennis M. Smid  
Reg. No. 34,930  
(212) 588-0800